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German Patent and Trademark Office

Munich, 18 November 2004

Tel.: (0 89 21 95 - 2807)

Ref: 100 83 672.0-53

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*Please quote ref. No. and applicant name on all**applications and payments**Applicable details marked with a cross X and/or filled**in.***Test application, payment day on 2 July 2001**

Application dated 2 July 2001

Received 2 July 2001

The following test of the aforementioned patent application led to the following results.

A period of

4 months

is granted for comments.

For documents which are to be attached to the comments, if so required, (eg. description, sections of description, patent claims, drawings), two copies of each are required on separate sheets. Only one copy is required for the comments themselves.

If the description, the patent claims or the drawings are amended in the course of the process, the applicant, in so far as the amendments are not suggested by the German Patent and Trademark Office, must specify them individually, stating at which point the features of the invention described in the new documents are disclosed in the original documents.



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Notes on the possibility of an amendment to a registered design

The applicant making an application for a patent to be effective in the Federal Republic of Germany can submit a registered design application which relates to the same subject matter, and at the same time make a claim on the application date of the earlier patent application. This amendment (§ 5 registered design law) is possible up to the end of 2 months after the end of the month if the patent application has been settled by legal rejection, voluntary withdrawal or instruction to withdraw, an opposition proceedings has been settled, or – in the case of the patent being granted – the period for protests against the decision to grant the patent having ineffectively expired. Detailed information concerning the requirements for a registered design application, including amendments, are contained in the notes for registered design applicants (G 6181) which can be obtained free of cost from the Patent and Trademark Office and the patent information centres.

3.

In this decision, the following objections are specified for the first time. (The numbering used here also applies to the rest of the process):

- 1) WO 98/47106 A1
- 2) How Quick Time VR Works. Apple Computer Inc., 1998
On the internet:
<[http://web.archive.org/web/19990117025031/
www.apple.com/quicktime/information/howvr.html](http://web.archive.org/web/19990117025031/www.apple.com/quicktime/information/howvr.html)>
[version of 17.01.1999, researched at <<http://www.archive.org/>> on 16.11.2004]
- 3) Virtual Views – Virtual Tours on the Internet. Virtual Views, 1998
On the internet:
<[http://web.archive.org/web/19981207043047/
www.virtualviews.com/html/frameset.html](http://web.archive.org/web/19981207043047/www.virtualviews.com/html/frameset.html)>
[version of 07.12.1998, researched at <<http://www.archive.org/>> on 16.11.2004]
- 4) IPLX on the bubble. Forbes.com, 17.09.1999
On the internet:
<<http://www.forbes.com/1999/09/17/feat-print.html> >
[researched on 16.11.2004]

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The application for testing in accordance with §44 PatG was made with effect as from 02.07.2001. The original documents form the basis for the testing.

II

First of all, it was determined with regard to the main claim that the main features of the same for virtual representation are limited to a large extent to a general and functional description of the information

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represented. This is only described as displaying [a] "three-dimensional virtual room[s]" in one, [a] "manipulation menu[s] in another "display section". It is not clear in patent claim 1 how the virtual, three-dimensional representation is different from that of the QTVR System named in the introduction to the application – or how the differences described as advantageous fit into navigation in a QTVR system of this type.

The test centre therefore has technical doubts in addition to those relating to content specified below, whether this description of the subject-matter in question fulfills the requirements for a complete disclosure of the features of the invention.

Publication 1 was specified in particular as subject-matter of patent claim 1. With regard to the state of technology presented in this, an average specialist involved with goods sales support and visualisation systems does not require an invention in order to gain access to the subject-matter of the application.

Publication 1) shows a goods sales support system, including

- a data bank and data base for the storing of relevant data (see fig. 1 and the corresponding description).
- browser provider, ie. available browser software (see fig. 3).
- a browser with a first display section which shows and represents the inside of a building as a three-dimensional ("3D") virtual space based on building display data (see abstract and figs. 3 and 5),
- and a second display section which displays a view point and study point manipulation menu with which a user manipulates a view point and study point in the virtual space ("changing the view-point", see abstract and figs. 3 and 5, especially reference drawings 305-307)
- for the transfer of the data from the data base to the browser terminal by means of a data transfer device or units which correspond to the network (see "internet", fig. 1).

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With regard to the other features of the main claim, it can also be established that it is self-evident that for information provided by a network (eg. internet) presented by means of a browser,

- the relevant data are ideally stored in a data bank or data base,
- browser providers, ie. browser software is available,
- corresponding data transfer devices and equipment – ie. the network – are available and
- data is transferred as required by the user by means of the browser.

The technical features of patent claim 1 are therefore already established by the current state of technology, as shown. The idea to use such a system, not only to show the interior view of a room, but also to present real estate, has already been presented to the specialist, eg. by the applications of Apples Quick Time VR (QTVR, see publications 2) or IPIX (see eg. "3D photography", publication 4) within the framework of house sales ("real estate", see publications 3) and 4)).

Patent claim 1 can therefore not be allowed due to lack of inventive activity.

Once claim 1 has been removed, all of the directly or indirectly related sub-claims 2 to 14 also technically become void.

III.

Process claim 17 is co-subordinate to patent claim 1. In its content this does not go beyond the use of a system in accordance with equipment claim 1, but derives directly from this claim. In order to avoid repetition, the details in equipment claim 1 should be referred to, as these apply to exactly the same extent as with process claim 17. Claim 17 can therefore not be allowed due to lack of inventive activity.

Moreover, the further equipment claims 15 and 16 are co-subordinate to patent claim 1. The co-subordination of patent claims is, however, only permissible if these provide solutions to a common

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technical problem, which stand on their own and are independent of one another. The features of claims 15 and 16 have, however, already been disclosed in claims 7 and 10 and, in this sense, do not differ from the form of the system described there.

Claims 15 and 16 can therefore not be allowed due to their technically incorrect form as co-subordinate claims.

The co-subordinate claims 18 and 20 both relate to a computer-based goods sales support programme. These are, however, "programmes for data processing units" which have been excluded from patent protection in accordance with §1 paragraph 2 PatG.

The co-subordinated claims 18 and 20 are therefore not allowed either.

With regard to co-subordinated claims 19 and 21, it is concluded by the test centre that in the storage medium in question, a computer programme product is to be understood in the sense of the BGH decision "search for faulty symbol chains". Such a claim already exists and is covered by the patentability of the basic process. Claims 19 and 21 are therefore not allowed either.

IV.

The other forms of the process described either come within the framework of the knowledge and ability of an average specialist, contain material which is self-evident (such as the storage and provision of a number of interior views in accordance with claim 7, or that the data base stores the building display data in connection with the corresponding building), or they are already established by the current state of technology.

Measures to be taken to identify a customer or buyer, to make contact with the buyer or to place orders (claims 3-6) are common practice in the goods sales systems on the internet (e-Business). The display of interiors and furniture in accordance with claims 7 to 12 can eg. also been taken from publication 1).

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With these documents, the granting of a patent can therefore not be considered. Unless essential changes are made to support the patent request, it should be understood that the application will be rejected.

If there is no intention of making any comments, an informal statement concerning the content of the decision will be requested.

Test centre for category GO6F

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Attachments: Photocopies of 4 objections, 2 copies of each